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101ST CONGRESS
2d Session

SENATE

REPORT
101-248

GRAND ISLAND NATIONAL RECREATION AREA IN THE STATE OF MICHIGAN

MARCH 5 (legislative day, JANUARY 23), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1472]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1472) to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. On page 1, line 9, strike ", botany".

2. On page 5, line 6, strike "shall" and insert in lieu thereof, "shall, as a condition of acquisition".

3. On page 7, line 16, strike "The" and insert in lieu thereof, "Subject to the provisions of subsection 3(b)(8) and subsection (b) of this section, the".

4. On page 7, line 21, strike "Act." and insert in lieu thereof, "Act: *Provided,* That the Secretary may not acquire any privately owned lands within the national recreation area other than with the consent of the owner so long as the owner agrees to the restrictions contained in subsection (b)(1) of this section and grants the Secretary a right of first refusal as provided in subsection (b)(2) of this section.".

PURPOSE OF THE MEASURE

The purpose of H.R. 1472 is to authorize and direct the Secretary of Agriculture to purchase lands on Grand Island, Michigan, to establish the Grand Island National Recreation Area, to incorporate such area within the Hiawatha National Forest and to implement several management provisions for the National Recreation Area.

39-010

S313-3

BACKGROUND AND NEED

Grand Island is a 13,500 acre island located in Lake Superior just north of Munising. The island, the second largest in Lake Superior, has over 27 miles of shoreline, with sandstone cliffs rising as high as 150 feet above the lake. Old growth stands of beech and white pine provide habitat for a wide variety of animals, including beavers, black bears, bald eagles, and deer. Located within the center of Grand Island is Echo Lake, one of the largest beaver-formed lakes in the world. Chippewa legends about the island served as the inspiration for Henry Longfellow's poem, "The Song of the Hiawatha." Although there are some summer residences and roads on the island, most of the island has remained in a wild and natural state.

As introduced, H.R. 1472 would establish Grand Island as a National Recreation Area and include the NRA within the Hiawatha National Forest. Last June, the Trust for Public Lands (TPL) purchased virtually the entire island from the Cleveland-Cliffs Iron Company. Subsequently, in February, 1990, the Forest Service, using its authority under the Weeks Act, acquired the land for TPL for $3.5 million, which was included in the fiscal year 1990 Interior Appropriations Act. The remaining 44 acres on the island consist of several individually owned summer residences.

Although the Forest Service has now acquired most of the island, enactment of H.R. 1472 is still necessary to establish the National Recreation Area and to establish specific Forest Service management policies on Grand Island.

LEGISLATIVE HISTORY

H.R. 1472, introduced by Congressman Kildee, passed the House of Representatives by a voice vote on July 31, 1989. Senator Riegle introduced companion legislation, S. 1569. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 1472 on October 24, 1989.

At the business meeting on February 21, 1990, the Senate Committee on Energy and Natural Resources ordered H.R. 1472, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on February 21, 1990, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 1472, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	

Mr. Conrad
Mr. Heflin
Mr. Rockefeller*
Mr. McClure
Mr. Hatfield*
Mr. Domenici*
Mr. Wallop
Mr. Murkowski
Mr. Nickles
Mr. Burns
Mr. Garn*
Mr. McConnell

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of H.R. 1472, the Committee adopted four amendments. Amendment 1 simply makes a clarifying correction. The other three amendments clarify that the Secretary of Agriculture's authority to acquire private lands and structures within the National Recreation Area without the consent of the owner is limited to cases where the owner violates the conditions regarding property use set forth in this Act.

SECTION-BY-SECTION ANALYSIS

Section 1 establishes the Grand Island National Recreation Area for the purpose of providing for the conservation, protection and enhancement of the island's scenery, recreation, fish and wildlife, vegetation and historical and cultural resources.

Section 2 defines the boundaries of the National Recreation Area (the "NRA") to include all of Grand Island and associated rocks, pinnacles, islands and islets within one-quarter mile of the shoreline. The section also extends the boundaries of the Hiawatha National Forest to include the NRA and provides that such extended boundaries are deemed to have been in existence as of January 1, 1965 for purposes of section 7 of the Land and Water Conservation Fund.

Section 3 pertains to the administration of the NRA.

Subsection (a) directs the Secretary of Agriculture (the "Secretary") to administer the NRA in accordance with applicable laws and regulations.

Subsection (b) details several special management requirements. The requirements include providing access for owners of privately owned land and homes within the NRA, maintaining traditional public access, providing commercial public access across water from the mainland, allowing the use of snowmobiles within the NRA and prohibiting the harvesting of timber except to enhance the qualities for which the NRA was established.

Paragraph (8) of the subsection provides that as a condition of acquisition, the Secretary shall issue 20-year use and occupancy permits for any privately owned homes within the NRA as of the date of Federal acquisition. The permit is to be renewed for successive 20-year periods so long as the permittee is in compliance with the terms of the permit and the purposes of this Act. The paragraph

further states additional restrictions on the use and transfer of privately owned homes within the NRA.

Section 4 describes the Secretary's acquisition authority.

Subsection (a) authorizes the Secretary to acquire lands, waters or structures within the NRA subject to the provisions of subsection 3(b)(8) and 4(b). The acquisition authority is limited in that private lands may not be acquired without the consent of the owner so long as the owner agrees to the property use restrictions set forth in subsection b(1) and grants the Secretary a right of first refusal to purchase the property if the owner decides to sell.

Subsection (b) provides that owners of unimproved land within the NRA may construct residential residences that are historically consistent with other structures within the NRA.

Paragraph (2) states that any owner of land of structures within the NRA may not dispose of such property without first offering it at fair market value to the Secretary, unless the conveyance is to a member of the owner's immediate family as defined in the Act.

Section 5 describes fish and game responsibilities.

Subsection (a) provides that this Act shall not affect the fish and game responsibilities of the State of Michigan, except that the Secretary, in consultation with the State, may temporarily prohibit hunting and fishing within the NRA.

Subsection (b) states that the Secretary shall notify area residents whenever any hunting, fishing or trapping is temporarily prohibited.

Subsection (c) provides that the Secretary, except in emergencies, is to consult with the Michigan Department of Natural Resources before issuing regulations pursuant to this section.

Section 6 withdraws, subject to valid existing rights, all land within the NRA from location, entry and patent under the mining laws and from disposition under the mineral leasing laws, including geothermal leasing. The section further provides that subject to valid existing rights, the Secretary may not allow any mineral development on federally owned land on Grand Island, except for common materials such as sand and gravel needed for construction and maintenance use within the NRA.

Section 7 deals with the development of a general management plan for the NRA.

Subsection (a) requires the Secretary to develop a comprehensive management plan for the NRA within 30 months after acquiring at least 10,000 acres on Grand Island.

Subsection (b) lists several issues that are to be addressed in the management plan, including public recreation opportunities, the feasibility of developing a concessionaire operated lodge and educational facility, transportation from the mainland across Lake Superior, development of docking facilities and evaluation of access needs within the NRA.

Subsection (c) directs the Secretary to consult with appropriate State and local government officials in the preparation of the plan.

Section 8 establishes the Grand Island Advisory Commission (the "Commission").

Subsection (a) establishes a 12 member Commission for the purposes of advising the Secretary on the preparation of the management plan.

Subsection (b) establishes the appointment criteria for the members of the Commission. The members are to be appointed from the following organizations: three non-voting members who are employees of the Forest Service, two recreational users of Grand Island and one each from the Alger County Board of Commissioners, the Alger County Economic Development Corporation, the Grand Island Association, a resident of Munising, a private landowner on Grand Island, the Grand Island Township Board and the Munising City Manager upon accepting the invitation of the Secretary.

Subsection (c) sets the quorum for Commission meetings and allows the Commission to operate if a quorum is present even if all members of the Commission have not been appointed.

Subsection (d) authorizes the Commission to elect a Chairman and establish its operating rules and procedures.

Subsection (e) directs the Secretary to consult with the Commission from time to time with respect to the management plan.

Subsection (f) provides that members of the Commission who are not full-time Federal employees shall serve without pay. Members who are full-time Federal employees shall receive no additional compensation for serving on the Commission.

Subsection (g) directs the Commission to recommend proposals for the development of a lodge and educational facility on the 55 acres as described in subsection 7(b). The Secretary is required to include a development proposal in the management plan, although the proposal does not have to be the one recommended by the Commission. The development is to be constructed and operated with non-Federal funds.

Subsection (h) terminates the Commission on the date the management plan developed pursuant to section 7 is approved.

Section 9(a) authorizes the appropriation of up to $5 million for the acquisition of land and interests in land, or for structures on Grand Island or on the mainland needed for access and administrative facilities.

Subsection (b) authorizes to be appropriated up to $5 million for development to carry out the other purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE, WASHINGTON, DC,
FEBRUARY 28, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1472, an act to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1472

2. Bill title: An act to establish the Grand Island National Recreational Area in the State of Michigan, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on February 21, 1990.

4. Bill purpose: H.R. 1472 would establish the Grand Island National Recreation Area in Michigan. The new national area would encompass all of Grand Island's approximately 13,000 acres and would be managed by the Forest Service. The act would provide for the acquisition of privately owned property (and related interests) within the boundaries of the new recreation area, as well as any property on the mainland needed for administrative or logistical purposes.

The development and operation of Grand Island would be carried out in accordance with a comprehensive management plan. Sections 3 and 7 of the act delineate special requirements to be fulfilled through the plan, including the provision of enhanced visitor services such as transportation, docking and lodging, in addition to more traditional recreational facilities.

Finally, Section 9 of the act would authorize the appropriation of up to $5 million for acquisition purposes and up to $5 million for development.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated authorization level	4.6	0.2	0.2	0.2	0.2
Estimated outlays	3.6	.4	.4	.5	.5

The costs of this act fall within budget functions 300 and 800.

Basis of estimate: For purposes of this estimate, CBO has assumed that H.R. 1472 will be enacted by May 1990 and that funds will be appropriated as they are required, beginning with a supplemental appropriation for 1990. Over the five years shown, $3.6 million of the amount authorized is estimated to be needed for acquisition. CBO expects this amount to be paid during fiscal year 1990 in exchange for approximately 12,950 acres on Grand Island and a small tract on the mainland. The federal government already owns about 70 acres on the island (Hiawatha National Forest), and the remaining acreage is expected to remain in private hands. (If H.R. 1472 is enacted late in fiscal year 1990, the first outlays would occur in 1991.)

Of the amounts authorized for development, CBO estimates that less than $1 million would be needed for planning, design and minor construction activities through 1994, including $350,000 for the preparation of the management plan. Subsequent funding requirements are highly uncertain and cannot be estimated until the completion of a final plan early in fiscal year 1993. Assuming that the Forest Service is able to provide transportation, docking and

lodging facilities through permit or concession (as authorized in the act), future development expenses may be minimal.

Other expenses of about $200,000 a year would be incurred for regulatory and administrative activities and for payments in lieu of taxes.

6. Estimated cost to Stated and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On June 6, 1989, CBO transmitted a cost estimate for H.R. 1472, as ordered reported by the House Commitee on Interior and Insular Affairs on May 23, 1989. Also, on July 17, 1989, an estimate was prepared for H.R. 1472, as ordered reported by the House Committee on Agriculture on July 13, 1989. This estimate differs from the earlier ones only in that projected 1990 spending has been reduced (and 1991 outlays increased slightly) to reflect a later assumed enactment date.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1472. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1472, as reported.

EXECUTIVE COMMUNICATIONS

On October 12, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth the Administration's views on H.R. 1472. These reports had not been received at the time the report was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing on H.R. 1472 follows:

STATEMENT OF LARRY HENSON, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, CONCERNING H.R. 1472, GRAND ISLAND NATIONAL RECREATION AREA, MICHIGAN

Mr. Chairman and members of the Subcommittee: Thank you for the opportunity to offer the Department of Agriculture's views on H.R. 1472, an act "To establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes."

The Department of Agriculuture supports the enactment of H.R. 1472.

Located approximately one-half mile offshore from Munising, in northern Michigan, the 13,000-acre island is the second largest in the U.S. portion of Lake Superior. Access during the summer is by boat or barge, and by snowmobile or crosscountry skiing during the winter when Lake Superior is frozen. A system of primitive roads provides access around the island.

The Trust for Public Land (TPL) owns about 99 percent of the island, however, there is a 44-acre subdivision of small individually owned lots and 72 acres of National Forest System lands. TPL recently purchased their ownership from Cleveland-Cliffs Iron Company, which had owned the property since the turn of the century. Grand Island has been used for recreational purposes for decades. There are several summer cottages on the island—some on the TPL property and some on the individually owned lots.

While still tree covered, the TPL property has been heavily logged. The island has numerous ecologic, natural, historic, and pre-historic features. Exampes include Echo Lake, two historic lighthouses, and a shoreline that includes white sand beaches and colorful sandstone cliffs that rise up to 200 feet above the water.

At the north end of the island, there is a 59-acre parcel of National Forest System land that is designated as a Research Natural Area. This area was established in 1977, and it is managed by the Hiawatha National Forest for potential ecological research because of its undisturbed plant communities, the abundance of beech at the northwestern extent of its range, and the Lake Superior dominated environment.

The Forest Service has authority under the Weeks Act to acquire land at Grand Island subject to funds being appropriated for that purpose. Designation of this island as a National Recreational Area, however, would require new legislation as well as acquisition of a major portion of the island. And as you know, Mr. Chairman, funds for the acquisition of Grand Island are in the fiscal 1990 Interior appropriations act.

Acquisition of Grand Island pursuant to H.R. 1472 would be preferable to acquiring the land under our generic authority, since H.R. 1472 would confer the NRA status and provide other authorities tailored to the unique resources and history of Grand Island.

Mr. Chairman, Grand Island has the qualities necessary to provide a broad range of recreational opportunities, from backcountry hiking to developed campgrounds and rustic retreat lodging. We are confident that these opportunities could be realized over time through a cooperative approach involving Forest Service management, volunteers, private-sector partnerships, and concessionaries.

In summary, we support Federal acquisition of Grand Island in order to ensure public access to and use of the island—now and in the future. H.R. 1472 would establish a very unique and important national recreation area and

provide a clear legal basis for planning, management, and public use on Grand Island.

This concludes my testimony. I would be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 1472, as reported.

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